

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEW MEXICO

BRENDA DICKSON,

Plaintiff,

vs.

Civ. No. 01-192 WWD/LFG ACE

CITY OF ALBUQUERQUE, JOHN DANTIS,
individually and in his official capacity as
director of the Bernalillo County Detention
Center; JACK YARMOLA, individually and
in his official capacity as supervisor of the
Bernalillo County Detention Center; THE
COUNTY OF BERNALILLO, through its
BOARD OF COMMISSIONERS OF THE
COUNTY OF BERNALILLO,

Defendants.

MEMORANDUM OPINION AND ORDER

This matter having come before the Court upon Defendant Jack Yarmola's Motion for Summary Judgment [docket no. 57]; the Court having considered the submissions of counsel and having determined that there is a material question of fact as to whether Defendant Yarmola is a "law enforcement officer"; and as to whether the conduct alleged by Plaintiff would be an assault and battery; and the Court having found that the claim against Defendant Yarmola is not barred by the provisions of the New Mexico Workers Compensation Act;

IT IS ORDERED that Defendant Jack Yarmola's Motion for Summary Judgment [docket no. 57] be, and it is hereby, **DENIED**.


UNITED STATES MAGISTRATE JUDGE